

Approved October 27, 2015

The Regular Meeting of the  
 Brian Head Town Council in a Joint Meeting with the  
 Brian Head Planning Commission  
 Town Hall - 56 North Highway 143  
 Brian Head, UT 84719  
**TUESDAY, OCTOBER 13, 2015 @ 1:00 PM**

**Council Members Present:** Mayor H.C. Deutschlander, Council Member Jim Ortler, Council Member Clayton Calloway, Council Member Larry Freeberg, Council Member Reece Wilson

**Planning Commission Members Present:** Chairperson Carrie Dever, Commissioner Mac Hatch, Commissioner Shawn Kelly, Commissioner Georg Hartlmaier

**Members Absent:** Commissioner Doug Deutschlander

**Staff Present:** Bret Howser, Nancy Leigh, Tom Stratton, Wendy Dowland

**A. CALL TO ORDER**

Mayor Deutschlander called the regular/joint meeting of the Brian Head Town Council and Planning Commission to order at 1:00 pm

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

- Council Member Calloway stated he may have a potential conflict of interest with Agenda Item F-2, Impact Fee Waiver Request, in which he is the contractor for the property owners making the requests.
- Mayor Deutschlander stated he may have a potential conflict of interest with Agenda Item F-1, Sign Code Discussion, in which he is a business owner in Brian Head.

There were no other conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:****1. September 08, 2015 Town Council Meeting**

**Motion:** Council Member Calloway moved to approve the September 8, 2015 Town Council minutes. Council Member Wilson seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Wilson, Council Member Calloway, Council Member Ortler, Mayor Deutschlander).



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## 2. September 22, 2015 Town Council Meeting

**Motion:** Council Member Calloway moved to approve the September 22, 2015 Town Council minutes. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Wilson, Council Member Calloway, Council Member Ortler, Mayor Deutschlander).

### E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

**Nancy Leigh, Town Clerk,** reported there will be a Brian Head Business luncheon hosted by the Business Technical Advisory Committee on November 2, 2015 at the Public Safety Building at noon. Nancy encouraged all Brian Head businesses to attend. Those attending need to RSVP by October 27<sup>th</sup> for the lunch.

**Mayor Deutschlander** reported he attended the Tourism Conference in Bryce Canyon last week which was well attended. Mayor Deutschlander reported some of the topics of discussion were a livable plan for the State scenic byway along with the National Scenic Byways.

**Council Member Wilson** thanked Sargent Dan Guymon on a job well done regarding an incident at Giant Steps Condos. Council Member Wilson commented Sargent Guymon's conduct was professional and want to publically thank him for his assistance.

#### **Bret Howser, Town Manager**

1. Attended the Tourism Conference in Bryce Canyon along with Mayor Deutschlander. Bret reported the conference was very informative and presented some ideas on marketing and monetizing the tourism industry.
2. Staff has been working with Rocky Mountain Power regarding the street light issues in which the street lights were in need of repair. Staff met with two representatives from Rocky Mountain Power, Tom Heaton and their operation person to discuss a plan on repairing the street lights that have been out for well over a year. Mr. Heaton recently reported all of the street lights have been repaired and if there are other issues regarding the street lights, to let them know. There is a 800 number the public can call and report the issue.

#### **Dan Benson, Public Safety Director**

1. Danny Abbot has been hired as the part-time position for the fire inspections and code enforcement. Chief Benson reported Mr. Abbot has volunteered with the fire department and is certified as a firefighter I and II as well as being certified as a paramedic.
2. Staff has met with the local cattlemen regarding the cattle that are grazing in the town limits. Chief Benson reported the cattlemen promise to have a better response time and will have a full-time rider with the cattle as they move through Brian Head. They apologized for any inconvenience and are willing to work with the town.

### F. AGENDA ITEMS:

#### 1. SIGN CODE DISCUSSION. A discussion regarding the Brian Head Sign Code.

Bret Howser, Town Manager, explained the Council has been reviewing the sign code as part of the revision for the Land Management Code and the Council has decided they would like to hear from the public and business community on the town's sign code.

Bret distributed a questionnaire to the public in attendance today on the current sign code. Bret explained staff will tally the total votes and present the results at the end of today's meeting. Bret then presented a power point presentation (see attached).



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Bret explained each poll question as it relates to the current sign code and asked the public if the question should be a) more stringent b) kept the same c) less stringent d) no regulations. Then then reviewed the current sign regulations (see sign code summary).

The Council then held discussion on the following:

1. The Freedom of Speech and how it relates to signage.
2. Off premise signage: There are several businesses located off of highway 143 that are struggling with the sign code due to off premise signage is prohibited. The town has installed directional signage to direct the public to these businesses, but there are still some issues.
3. Bret reported the Council will be reviewing the directional signage revision during the next budget process.
4. Several business owners commented the businesses located on highway have invested more to be along the highway and those businesses that are located off the highway chose their locations.
5. Burke Wilkerson, Brian Head Resort, commented the directional wayfinding signs should be off premises, but they need to have a consistent look and should have lighting for those guests that come to Brian Head at night.
6. Shawn Kelly, resident, commented if the public wants to get an overview of Brian Head, there should be some directional signage to the visitor center where the large kiosk identifying all roads in Brian Head is located.
7. Mac Hatch, Planning Commission, commented the town should look at off premise signage to direct the public, but also keep in mind that in the future there may be no commercial property along highway 143 available for commercial development.
8. Council Member Wilson commented the town should consider signage taller than nine feet in height.
9. Mayor Deutschlander updated the Council and public on the tourist oriented directional signage bill that was presented last legislative season, but was sent back for modifications. The bill is a UDOT sponsored program similar to the signage on the interstates identifying gas stations, lodging and restaurants and is proposed to come before the legislature this upcoming year.
10. The size of the lettering identified on the way finding signs is an issue and whether it should be larger lettering.
11. Balloons, streamers and temporary portable signs: The majority of the audience would like to see them allowed.
12. Carrie Dever, Planning Commission, commented the requirement to obtain a permit for a temporary sign that is up for two days is too controlling and is defeating the purpose.
13. Council Member Freeberg commented there are safety issues related to animated signs and believe they could pose a hazard to the drivers especially during a snow storm.
14. Council Member Ortler commented if the Council and public doesn't have a problem with the types of signs the resort puts up, then the sign code should be amended to allow these types of signs and the public needs to understand that Brian Head will grow and needs to be proactive in their decisions they make today.

#### **Consensus:**

1. The Council and staff will review the way finding (directional) signage in town to find more effective ways to direct the public to businesses located off of highway 143.
2. The Council may consider off premises signage.
3. Animated signs should not be prohibited.
4. Staff will send the redraft of the sign code to the Planning Commission for their recommendation.

Bret then read the results from the poll taken earlier today:

1. Free Standing Signs: Majority agree with less stringent.
2. Wall Signs: Majority agree with the current code.
3. Canopy/Marquee/Awnings, etc: Majority would like to see less stringent regulations.
4. Real Estate Signs: Majority agrees with the current code.
5. Construction Signs: Majority agrees with the current code.
6. Special Events: Majority would like to see less stringent regulations. Bret explained staff and Council will be reviewing the number of temporary signs and whether it should be based on lineal footage of the property. Mayor Deutschlander suggested the definition of special events be identified in the Land Management Code as it is identified in the Licensing Code.



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7. Political Signs: Majority agree with current code.
8. Window Signs: Majority would like to see less stringent regulations.
9. Directional Signage – on internal property: Majority would like less stringent regulations.

Bret explained the town receives complaints from the public regarding temporary signage along with the businesses who are upset they are not allowed to put up certain signage. Several complaints have been received as to why the town is not following the sign code and not necessarily about the signs themselves.

Burke Willkerson, Brian Head Resort, commented the biggest issue seems to be the way finding signs and believes the town needs to have a good street address sign which can be read at night. Mr. Wilkerson went on to comment the town needs to allow the businesses to advertise and whatever signage that would allow a business to identify themselves should be permitted. The regulations cannot be so stringent that it defeats the purpose of attracting the public.

Bret thanked the public for their participation in the sign code discussion and reported a draft of the sign code will be available to the public when completed.

## **2. IMPACT FEE WAIVER REQUEST.** A request for an impact fee waiver for two property owners.

Council Member Calloway recused himself from this agenda item and excused himself from the meeting at 3:00 pm.

Tom Stratton, Public Works Director, explained there are two individual property owners in town that are requesting a waiver from the water impact fee. One property owner is planning to install a main waterline on Shady Dell Road at a cost of \$60,000 and requested the Council waive the impact fee. The other property owner is planning on installing a main waterline on Meadow Drive where there are four individual lot owners.

Tom explained in researching the town code, the Council can waive the impact fee on an individual basis and requested the Council consider waiving the impact fee for both property owners.

The Council held discussion on the following:

1. With the installation of a main water line on Shady Dell Road, it would bring the water closer to Mountain View Drive and the area would start to expand in development with homeowners connecting to the town's water system.
2. Two property owners on Meadow Drive have indicated they would be willing to connect to the town's water system if water was available.
3. The town currently has a reimbursement agreement which has a sunset provision of 10 years in which reimbursement would be made to the applicant who installed the main water line which deters some property owners to install a main waterline to their property.
4. If the town were to waive the impact fees, anyone who connects to the town's system would be required to pay impact fees and the property owner who installed the main waterline cannot get reimbursed from other property owners when they connect.
5. If the main waterline ran in front of existing cabins, the property owners would have to connect to the town's system within three years.
6. Council Member Ortler commented there have been other developers who have installed main waterlines in subdivisions and the town did not waive their impact fees, such as Crystal Aire Subdivision which currently has 23 lots and if the Council chose to waive the impact fees, if it would set a precedence.
7. Bret explained in the town code, there is a provision in which the Council has the ability to waive the impact fee for builders who bring economic development. The Council needs to state what the economic benefit is to justify a waiver in the impact fees.
8. Tom explained with the installation of a main waterline, the town would have fire protection in the area.
9. Council Member Ortler suggested the Council consider a credit of 25% of the cost of the waterline as long as they are not in a reimbursement situation and the maximum amount that the developer can receive is the cost of the impact fee.



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10. Council Member Ortler commented the town can establish a policy and incorporate it in to the town code.

**Motion:** Council Member Ortler moved to adopt a policy crediting 25% of proven construction costs of the water and sewer lines towards the payment of impact fees provided the applicant is not in a reimbursement agreement. Council Member Freeberg seconded the motion.

Discussion was held regarding creating precedence and whether a minimum length of waterline should be identified for credit towards the impact fees.

**Motion:** **Motion carried 4-0-0 (summary: Yes = 4 Vote Yes:** Council Member Ortler, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander. **Members Excused:** Council Member Calloway).

## G. ADJOURNMENT

**Motion:** Council Member Wilson moved to adjourn the regular/joint meeting of the Brain Head Town Council and Planning Commission for October 13, 2015. Council Member Freeberg seconded the motion.

**Motion:** **Motion carried 4-0-0 (summary: Yes = 4 Vote Yes:** Council Member Ortler, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander. **Members Excused:** Council Member Calloway).

The regular meeting of the Brian Head Town Council was adjourned at 3:55 pm for October 13, 2015.

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Nancy Leigh, Town Clerk

